

## **Chapter 27.43**

### **H-3 HIGHWAY COMMERCIAL DISTRICT**

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This is a district for a redeveloping area intended to provide for low-density commercial uses requiring high visibility and/or access from major highways. The uses permitted generally include those of the neighborhood and highway business areas.

#### **27.43.010 Scope of Regulations.**

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the H-3 Highway Commercial District. (Ord. 12571 §190; May 8, 1979).

#### **27.43.020 Permitted Uses.**

A building or premises shall be permitted to be used for the following purposes in the H-3 Highway Commercial District:

- (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- (b) Public libraries;
- (c) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;
- (d) Churches;
- (e) Nonprofit religious, educational, and philanthropic institutions;
- (f) Banks, savings and loan associations, credit unions and finance companies;
- (g) Barber shops, beauty parlors, and shoeshine shops;
- (h) Private schools;
- (i) Dwelling for a caretaker employed and residing on the premises;
- (j) Hospitals and clinics for animals, but not open kennels;
- (k) Messenger and telegraph stations;
- (l) Office buildings;
- (m) Restaurants;
- (n) Undertaking establishments;

- (o) Photography studios;
- (p) Key shops;
- (q) Ambulance services;
- (r) Recreational uses;
- (s) Food storage lockers;
- (t) Bakeries;
- (u) Bottling works;
- (v) Printing shops and photocopy centers;
- (w) Mini-warehouses;
- (x) Optical lens grinding and finishing;
- (y) Laundries, dyeing, and drycleaning establishments, including launderettes, laundromats, and receiving stores for drycleaning or laundry;
- (z) Creameries;
- (aa) Sale barns;
- (bb) Warehouses;
- (cc) Outdoor theaters;
- (dd) Parking lots;
- (ee) Clubs;
- (ff) Service facilities, including but not limited to repair and maintenance of home and office equipment and appliances;
- (gg) Contractors' offices and storage yards, and lumber and coal yards;
- (hh) Stores or shops for the sale of goods at retail, not otherwise permitted in this chapter, of no more than 20,000 square feet of floor area;
- (ii) Enclosed commercial recreational facilities;
- (jj) Service stations and motorcycle, bicycle, home and office equipment, and appliance sales and repair but not including vehicle body repair shops;
- (kk) Mail order catalog sales. (Ord. 17311 §1; March 23, 1998: prior Ord. 16854 §36; August 14, 1995; Ord. 16144 §8; July 6, 1992: Ord. 14185 as amended by Ord. 14310; §1; January 27, 1986: Ord. 13736 §6; December 12, 1983: Ord. 12571 §191; May 8, 1979).

#### **27.43.030 Permitted Conditional Uses.**

A building or premises may be used for the following purposes in the H-3 Highway Commercial District in conformance with the conditions prescribed herein:

- (a) Automobile/truck wash facility:
  - (1) Automatic, conveyor-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln.
  - (2) Self-service, coin-operated: The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines and regulations for driveway design and location" as adopted by the City of Lincoln.
- (b) Motels and hotels: A distance of at least twenty feet shall be maintained between buildings on the lot and each hotel or motel unit shall have a minimum enclosed floor area of 200 square feet.

- (c) Early childhood care facilities:
  - (1) Such facilities shall comply with all applicable state and local early childhood care and building requirements;
  - (2) Such facilities shall comply with all applicable building and life safety code requirements;
  - (3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;
  - (4) Such facilities must receive a conditional use permit from the Department of Building and Safety.
- (d) Recycling center:
  - (1) Building area of such center shall not exceed 8,000 square feet;
  - (2) Adequate traffic stacking shall be provided on site as determined by the city;
  - (3) All required parking shall be provided on site;
  - (4) The facility shall not be designed to receive nor shall it accept shipments by semi-trailer trucks;
  - (5) Construction and operation of such center shall comply with all applicable health and fire codes.
- (e) Vehicle body repair shop:
  - (1) All salvage material including vehicles being salvaged shall be inside a building;
  - (2) All vehicles stored outside shall be repaired to an operating state within thirty days;
  - (3) All vehicles stored outside waiting repair shall be screened in accordance with the screening requirements for salvage and scrap processing operations;
  - (4) Construction and operation of such shop shall comply with all applicable health and fire codes;
  - (5) Vehicle body repair shops lawfully existing on the effective date of this ordinance shall have until January 1, 1987 to be brought into compliance with conditions (1), (2), (3), and (4) above.
  - (6) Parking shall be provided in accordance with Section 27.67.066.
  - (7) Vehicle body repair shops shall not be converted to a permitted use unless all the parking requirements of Section 27.67.020 for such use are met.
- (f) Truck and heavy equipment sales:
  - (1) Parking shall be provided in accordance with Section 27.67.066.
  - (2) Truck and heavy equipment sales shall not be converted to a permitted use unless all the parking requirements of Section 27.67.020 for such use are met.
- (g) Farm machinery sales establishments:
  - (1) Parking shall be provided in accordance with Section 27.67.066.
  - (2) Farm machinery sales establishments shall not be converted to a permitted use unless all the parking requirements of Section 27.67.020 for such use are met.
- (h) Motor truck terminals:
  - (1) Parking shall be provided in accordance with Section 27.67.066.
  - (2) Motor truck terminals shall not be converted to a permitted use unless all the parking requirements of Section 27.67.020 for such use are met.

- (i) Mobile home sales:
  - (1) Parking shall be provided in accordance with Section 27.67.066.
  - (2) Mobile home sales shall not be converted to a permitted use unless all the parking requirements of Section 27.67.020 for such use are met.
- (j) Places of business of plumbing contractors, heating and air conditioning contractors, and cabinet shops:
  - (1) Parking shall be provided in accordance with Section 27.67.066.
  - (2) Said places of business shall not be converted to a permitted unless all the parking requirements of Section 27.67.020 for such use are met.
- (k) Automobile sales and repair, but not including vehicle body repair shops:
  - (1) Parking shall be provided in accordance with Section 27.67.066.
  - (2) The storage of vehicles for sale and resale is permitted in the front yard under the following conditions:
    - (i) The storage of vehicles for sale and resale is permitted in the front yard except for the front twelve feet.
    - (ii) Parking barriers in accordance with parking lot design standards must be provided around the storage/display area to prevent the vehicles stored/displayed for sale or resale from overhanging the front twelve feet of the front yard where vehicles are not permitted to be stored/displayed for sale or resale.
    - (iii) No vehicle shall be stored/displayed for sale or resale in the front yard upon a raised concrete island or on a raised display structure.
    - (iv) The hood or trunk or both of vehicles stored/displayed for sale or resale in the front yard shall not be open except when inspected by a customer or for servicing.
  - (3) The front twelve feet of the front yard not permitted to be used for the storage of vehicles for sale and resale shall not be used for customer or employee parking but shall be devoted to shrubs and grasses.
  - (4) The front twelve feet of the front yard not permitted to be used for the storage of vehicles for sale and resale shall be screened at least sixty percent from zero feet to two feet above the surface of the lot. The design and construction of the landscaping shall be in conformance with the Design Standards for Screening and Landscaping except that fences may not be used to meet the above screening requirements. If plant material is used, the density percentage is calculated using the design size found in the City of Lincoln's plant material list approved by the Planning Director. The screen shall be located throughout the area but far enough from the barrier so as to be protected from the bumpers of overhanging vehicles. Entrance driveways shall be excluded from the required screen.
  - (5) No fence shall be erected in the front yard. Lighting in the front yard shall be in conformance with the Design Standards for Parking Lots.
  - (6) Any existing automobile sales facility lawfully established on the effective date of this ordinance which does not comply with conditions (1) through (5) above may be continued in accordance with the provisions of Chapter 27.61 for nonconforming uses.
  - (7) Automobile sales and repair shops shall not be converted to a permitted use unless all the parking requirements of Section 27.67.020 for such use are met.
- (l) Assembly facilities, including but not limited to the assembly of equipment, instruments and appliances such as computers and musical instruments.
  - (1) Assembly facilities may include limited fabrication of finished parts to be used in such assembly.

- (2) The floor area of such facilities shall not exceed 50,000 square feet.
- (3) Parking shall be provided in accordance with Section 27.67.066.
- (4) Assembly facilities shall not be converted to a permitted use unless all the parking requirements of Section 27.67.020 for such use are met. (Ord. 17979 §4; April 1, 2002: prior Ord. 17311 §2; March 23, 1998: Ord. 16926 §5; February 5, 1996: Ord. 16854 §37; August 14, 1995: Ord. 14185, as amended by Ord. 14310 §2; January 27, 1986: Ord. 13700 §2; September 26, 1983: Ord. 13344 §5; March 29, 1982: Ord. 12571 §192; May 8, 1979).

#### **27.43.040 Permitted Special Uses.**

A building or premises may be used for the following purposes in the H-3 Highway Commercial District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

- (a) Extraction of sand, gravel, and soil;
- (b) Bulk storage of petroleum products;
- (c) Broadcast towers;
- (d) Church steeples, towers, and ornamental spires exceeding the maximum permitted height in the H-3 Highway Commercial District;
- (e) Outdoor lighting for recreational facilities;
- (f) Expansion of nonconforming use;
- (g) Historic preservation;
- (h) Stores and shops for retail sales and service which exceed 20,000 square feet of floor area;
- (i) Public utility purposes;
- (j) Wind energy conversion systems;
- (k) Small batch concrete dispensing units;
- (l) Health care facilities;
- (m) Cemeteries;
- (n) Sale of alcoholic beverages for consumption on the premises;
- (o) Sale of alcoholic beverages for consumption off the premises;
- (p) Limited landfills;
- (q) Sexually oriented live entertainment establishments. (Ord. 17979 §5; April 1, 2002: prior Ord. 17731 §7; September 25, 2000: Ord. 17265 §4; October 20, 1997: Ord. 16941 §1; February 26, 1996: Ord. 16593 §7; April 11, 1994: Ord. 14780 §16; November 2, 1987: Ord. 13865, 13866, amended by Ord. 14378 §14; May 5, 1986: Ord. 13588 §16; May 9, 1983: Ord. 12978 §21; August 25, 1980: Ord. 12984 §21; April 7, 1980: Ord. 12657 §6; August 6, 1979: Ord. 12571 §193; May 8, 1979).

#### **27.43.050 Accessory Uses.**

Accessory uses permitted in the H-3 Highway Commercial District are accessory buildings and uses customarily incident to the permitted uses, including parking lots. (Ord. 12571 §194; May 8, 1979).

#### **27.43.060 Parking Regulations.**

All parking within the H-3 Highway Commercial District shall be regulated in conformance with the provisions of Chapter 27.67. (Ord. 12571 §195; May 8, 1979).

**27.43.065 Pedestrian Circulation Regulations.**

Construction of on-site pedestrian circulation sidewalk systems shall be regulated in conformance with the provisions of Section 27.81.010. (Ord. 18687 §16; March 20, 2006).

**27.43.070 Sign Regulations.**

Signs within the H-3 Highway Commercial District shall be regulated in conformance with the provisions of Chapter 27.69. (Ord. 12571 §196; May 8, 1979).

**27.43.075 Grading and Land Disturbance Regulations.**

Grading and land disturbance within the H-3 Highway Commercial District shall be regulated in conformance with the provisions of Chapter 27.81. (Ord. 17618 §23; February 22, 2000.)

**27.43.080 Height and Area Regulations.**

The maximum height and minimum lot requirements within the H-3 Highway Commercial District shall be as follows:

- (a) General requirements:

*(See Table 27.43.080(a) on following page)*

<b>Table 27.43.080(a)</b>						
	<b>Lot Area (Sq. ft.)</b>	<b>Avg. Lot Width</b>	<b>Req'd Front Yard</b>	<b>Req'd Side Yard</b>	<b>Req'd Rear Yard</b>	<b>Height</b>
All permitted uses	0	0'	20'	Smaller of 15' or 10% of lot width, min. 5'; 20' when abutting residential district	Smaller of 30'* or 20% of depth	45'
* When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.						

- (b) There shall be a required front yard on each street side of a double frontage lot.

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

(d) Accessory buildings which are attached to or not located more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the height and front, side, and rear yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than thirty percent of the required rear yard and shall not be nearer than two feet to any

side or rear lot line. Such detached accessory buildings shall not exceed fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.

(e) Dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61. (Ord. 18687 §17; March 20, 2006; prior Ord. 12751 §20; November 5, 1979: Ord. 12657 §7; August 6, 1979: Ord. 12571 §197; May 8, 1979).